

Open Skies. I recommend that my colleagues review the classified versions of these reports before any further Senate action is taken on this treaty.

Despite Russia's poor compliance record, the administration has decided that we will rely primarily on good Russian cooperation to verify New START's key 1,550 limit on deployed warheads. This brings to mind the famous adage: fool me once, shame on you; fool me twice, shame on me.

One of the persistent Russian arms control violations of the original START was its illegal obstruction of U.S. on-site inspections of warheads on certain types of missiles. The only reason these Russian violations did not prevent us from verifying START's warhead limits was because START limited the capability to deploy warheads through a "counting rule" that could be verified primarily with our own intelligence satellites. Unfortunately, New START has discarded this critical counting rule, designed to work hand-in-glove with our satellites, in favor of reliance on no more than ten sample inspections a year—again, just 2 to 3 percent of Russia's force.

The warhead limit in New START is calculated from the actual number of warheads loaded on a missile, and unlike START, this new treaty permits any missile to have any number of warheads loaded on it. But no satellite can tell us how many warheads are loaded on missiles. Therefore, if this treaty is ratified, we will have to rely primarily on on-site inspections to verify actual warhead loadings the very same kind of inspections that the Russians violated in START. If the Russians continue their poor compliance record and obstruct our warhead inspections under New START, the consequences will be much more serious and will substantially degrade verification.

The administration is surely aware of these verification and breakout problems as there is no shortage of verification gimmicks in this treaty. But not even all of them together permit us to verify reliably the treaty's warhead limit. So how have treaty enthusiasts responded to these problems?

First, they discard the military significance of possible Russian cheating. Our own State Department's verification assessment states that:

any Russian cheating under the Treaty would have little if any effect on the assured second-strike capabilities of U.S. strategic forces. In particular, the survivability and response capabilities of [U.S.] strategic submarines and heavy bombers would be unaffected by even large-scale cheating.

This is not exactly a ringing endorsement. I think it is pretty clear that a large-scale breakout would have a seismic impact from a geopolitical perspective. It would escalate tensions between the superpowers and lead to extreme strategic instability. Even more fundamentally, the State Department statement raises a pivotal question: If no level of Russian cheating under New START is deemed militarily signifi-

cant, then what is the value of this treaty in the first place?

Second, treaty proponents attempt to draw a parallel to the "Moscow" arms control treaty, signed by President Bush and approved 95-0 by the Senate. They argue that this treaty has the same kind of warhead verification difficulties as New START, therefore critics of New START are applying a double-standard. This argument fails on two counts: the first being that the Moscow arms control treaty was placed on top of the verification measures already in effect for START; and second, that the United States had decided unilaterally to move to the limits imposed in the Moscow treaty, whether or not Russia reduced to them. This is simply not the case for New START. Clearly, the two treaties are not comparable from a verification standpoint.

The administration also argues that our ability to monitor Russian forces will be greater with the new treaty than without it. As a general proposition, this is true. In actuality, however, the extent of the treaty's monitoring benefits could be insignificant or only modest in some important respects. This disparity between generalization and reality is explained more in my classified paper.

The bottom line is this: if the chief benefit of this treaty is that we will know more about what Russia is doing with its nuclear forces, then the same benefit could have been achieved with a much more modest confidence-building protocol, one which would not require unilateral U.S. force reductions, give Russia a vote on our missile defenses, or present impossible verification problems.

The administration claims that New START is indispensable to reap the "Reset" benefits with Russia. If a fatally flawed arms control agreement is the price of admission to the Reset game, our Nation is better off if we this one out.

Similarly, any suggestion by treaty advocates that rejecting the treaty weakens the "good" Russian leader, Medvedev, and strengthens the "bad" Russian leader, Putin, should be met with healthy skepticism. Now is not the time to fall for a "good cop—bad cop" act from Moscow.

In many cases, concerns about particular treaties can be solved during the ratification process. I respect my colleagues who are attempting to do so with this treaty. Unfortunately, New START suffers from fundamental flaws that no amount of tinkering around the edges can fix. I believe the better course for our nation, and for global stability, is to put this treaty aside and replace it with a better one.

The United States needs, and we in the Senate should demand, a treaty that can be reliably verified by our own intelligence assets without relying on Russia's good graces, not one that requires unilateral reductions or gives Russia a vote on our strategic defenses. I urge my colleagues to reject anything

less and to take a strong stand for America's defense and America's future.

RESTORE ONLINE SHOPPERS' CONFIDENCE ACT

• Mrs. HUTCHISON. Mr. President, I wish to engage my colleague Senator ROCKEFELLER in a colloquy. There have been some questions raised about how S. 3386, the Restore Online Shoppers' Confidence Act, affects a company that sells its business entirely or enters into a deal with another company to "step into the first company's shoes" and provide the products or services to consumers that were previously provided by the first company. I would ask the chairman to explain the intent of the legislation.

Mr. ROCKEFELLER. This legislation is not intended to limit a company's ability to provide its customers with a seamless transition when a company sells its assets or arranges to have a new entity provide the products and services it previously provided to its customers.

Mrs. HUTCHISON. I thank the Senator. Questions have also been raised about how this bill would affect an online company that bills its customers monthly for an ongoing service and decides to enter into a deal with another company to provide the backend billing and other services to those same customers. What is the intent of the legislation?

Mr. ROCKEFELLER. The bill would not consider the company providing backend billing and other services for the initial merchant to be a posttransaction third party seller. Therefore, the provisions of the bill governing post-transaction third party sellers would not apply.

This legislation is intended to prevent the kind of fraudulent transactions the Commerce Committee exposed in its recent investigation—where a consumer intentionally purchases products or services from one company and ends up unknowingly purchasing products or services from a different, unrelated company. As we have discussed, this bill is not intended to prevent a company from making a business deal that would provide continuity of service to its customers by entering into a business arrangement that gives another company the right to deliver products and services intentionally purchased by consumers and to bill for those products and services.

Mrs. HUTCHISON. I thank the Senator for those clarifications.●

THEOLOGICAL SCHOOL OF HALKI

Mr. CARDIN. Mr. President, a year ago this month I was privileged to again meet with the Ecumenical Patriarch, Bartholomew I. His impassioned call for support for the reopening of the Theological School of Halki promoted